THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.1456 of 2005

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22nd February 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04.07.2005 in W.P.NO.17355 OF 2003 on the file of the High Court.)

Between:

Sri Y.S.Reddy, S/o.Venkat Reddy,
R/o.Proddatur, Cuddapah District.

...APPELLANT

AND

1. The Regional Manager, A.P.S.R.T.C.,
   Cuddapah, Cuddapah District.

And three others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.1456 OF 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri B.Sudhakar Reddy, the learned counsel appearing for the appellant and Sri P.Vinayaka Swamy, the learned Standing Counsel for the Corporation appearing for respondent Nos.1 to 3 and the learned Assistant Government Pleader for Finance on behalf of the learned Government Pleader for Labour appearing for the fourth respondent.

The appellant is the unsuccessful writ petitioner who seeks to assail the order dated 04.07.2005 of the learned Single Judge dismissing the Writ Petition being W.P.No.17355 of 2003 filed against the award dated 29.01.2003 in I.D.No.203 of 2001 on the file of the Labour Court arising out of the dispute in regard to the termination of his service on certain allegations.

The facts, which are necessary for disposal of this appeal, are that the appellant was appointed as a Conductor in A.P.S.R.T.C on 25.12.1991 and while he was conducting his duty, during inspection, certain irregularities were found and thereupon charges were framed against him in regard to failing to collect the fare for ten (10) passengers and for not properly following the procedure prescribed. After holding an enquiry, the report went against the appellant basing upon which his service was terminated. Subsequently, he raised a dispute before the Labour Court. After regular enquiry and on consideration of the evidence and material on record, an award was passed without interfering with the punishment of termination imposed. Challenging the same, the Writ Petition being W.P.No.17355 of 2003 was filed. The learned Single Judge once again gone through the entire evidence and submissions and gave a finding that this Court will not interfere with the punishment of termination, especially in exercise of jurisdiction under Article 226 of the Constitution of India and dismissed the Writ Petition.

Having considered the submissions made on either side and on perusal of the material available on record, we are in entire agreement with the learned Single Judge, especially in regard to the finding as arrived at based upon the evidence and the charges, which show serious irregularities on the part of the appellant. We do not find any error or ground to interfere with the finding of the learned Single Judge.

Accordingly, the Writ Appeal is dismissed. However, it shall be open for the appellant herein to approach the respondents by filing an application seeking fresh appointment. The respondents are directed to consider the same and pass

appropriate orders in accordance with law. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

22nd February 2006

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